

NORTH DAKOTA LAW ENFORCEMENT QUICK REFERENCE GUIDE



This pocket reference guide contains key penal provisions found within the North Dakota Century Code, within Title 12.1, 16.1 and other relevant sections.

- Injuring, intimidating, or interfering with a voter exercising their right to vote, or an election official or observer, is a misdemeanor.
- Causing a disturbance, breach of peace, or obstructing a voter or a member of the election board is a misdemeanor.
- Destruction of ballots or election supplies or tampering or interfering with the operation of a voting system or device is a felony.

VOTING HOURS

Varies by County. Find yours at:
<https://vip.sos.nd.gov/WhereToVote.aspx>

ELECTION DATES

2024 Primary Election: June 11th
2024 General Election: November 5th
For info about upcoming elections:
<https://vip.sos.nd.gov/pdfs/Portals/electioncalendar.pdf>

REPORT SUSPICIOUS BEHAVIOR TO

Your local election official:
vip.sos.nd.gov/CountyAuditors.aspx
Secretary of State Elections Unit:
800-352-0867 and soselect@nd.gov



Interference with elections.

NDCC § 12.1-14-02

A person is guilty of a class A misdemeanor if, whether or not acting under color of law, the person, by force or threat of force or by economic coercion, intentionally:

1. Injures, intimidates, or interferes with another because the other individual is or has been voting for any candidate or issue or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as an election official or an election observer, in any primary, special, or general election.
2. Injures, intimidates, or interferes with another in order to prevent that individual or any other individual from voting for any candidate or issue or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as an election official or an election observer, in any primary, special, or general election.

Safeguarding elections.

NDCC § 12.1-14-03

A person is guilty of a class A misdemeanor if, in connection with any election, he:

1. Makes or induces any false voting registration;
2. Offers, gives, or agrees to give a thing of pecuniary value to another as consideration for the recipient's voting or withholding his vote or voting for or against any candidate or issue or for such conduct by another;
3. Solicits, accepts, or agrees to accept a thing of pecuniary value as consideration for conduct prohibited under subsection 1 or 2; or
4. Otherwise obstructs or interferes with the lawful conduct of such election or registration therefor.

Election offenses - Penalty.

NDCC § 16.1-01-12

1. It is unlawful for an individual... or other organization to:
 - a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
 - b. Cause a disturbance, breach the peace, or obstruct a qualified elector or a member of the election board on the way to or at a polling place.
 - c. Vote more than once in any election.
 - d. Knowingly vote in the wrong election precinct or district.
 - e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
 - f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
 - g. Knowingly vote when not qualified to do so.
 - k. Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath as prescribed in this title.
 - l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
 - m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the canvass or return to be false; or willfully deface, destroy, or conceal any statement or certificate entrusted to the individual's or organization's care.
 - n. Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law, or negatively impact the confidentiality, integrity, or availability of any system used for voting.

2. a. violation of subdivisions b, e, f, or h through l of subsection 1 is a class A misdemeanor.
- b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
- c. A violation of subdivision n of subsection 1 is a class C felony.

Election officers.

NDCC § 16.1-05-01

At each primary, general, and special statewide or legislative district election, and at county elections, each polling place must have an election board in attendance. The election board must consist of an election inspector and at least two election judges. Counties utilizing polling places containing more than one precinct may choose to use one election board to supervise all precincts even if the precincts are within different legislative districts so long as each district chairman of each qualified political party is given the opportunity to have representation on the election board if desired. Appointing part-time election inspectors, judges, and poll clerks is permitted if there is sufficient coverage at each polling place to satisfy the requirements of subsection 4 of section 16.1-05-04.

Duties of the members of the election board during polling hours.

NDCC § 16.1-05-04

1. The election inspector shall supervise the conduct of the election to ensure all election officials are properly performing their duties at the polling place. The election inspector shall assign duties so as to equally and fairly include both parties represented on the election board.
4. At least one election inspector and two election judges from the election board must be present on the premises of the polling place during the time the polls are open to prevent the occurrence of fraud, deceit, or other irregularity in the conduct of the election.

6. Each member of the election board shall maintain order in the polling place.

Electioneering within boundary of an open polling place.

NDCC § 16.1-10-06

1. An individual may not ask, solicit, or in any manner try to induce or persuade, any voter within a polling place or within one hundred feet [30.48 meters] from the entrance to the room containing a polling place while it is open for voting to vote or refrain from voting for any candidate or the candidates or ticket of any political party or organization, or any measure submitted to the people. The display upon motor vehicles of adhesive signs which are not readily removable and which promote the candidacy of any individual, any political party, or a vote upon any measure, and political advertisements promoting the candidacy of any individual, political party, or a vote upon any measure which are displayed on fixed permanent billboards, may not, however, be deemed a violation of this section.
2. A vehicle or movable sign of any type containing a political message as described in subsection 1 may be allowed to remain within the restricted area only for the period of time necessary for the owner or operator of the vehicle or sign to complete the act of voting.
3. Except as provided in subsection 1, a sign placed on private property which displays a political message may not be restricted by a political subdivision, including a home rule city or county, unless the political subdivision demonstrates a burden to the public safety.

Penalty for violation of chapter.

NDCC § 16.1-10-08

Any person violating any provision of this chapter, for which another penalty is not specifically provided, is guilty of a class A misdemeanor.

Electronic voting systems - Violations

- Penalty.

NDCC § 16.1-06-25

Any person who violates any of the provisions of this chapter relating to voting systems, who tampers with or injures any voting system or device to be used or being used in any election, or who prevents the correct operation of any such system or device to be used or being used in any election is guilty of a class C felony.

Removal of ballot from polling place before closing of polls - Prohibited.

NDCC § 16.1-13-31

An individual may not take or remove any ballot from the polling place before the close of the polls.

Physical obstruction of government function.

NDCC § 12.1-08-01

1. A person is guilty of a class A misdemeanor if he intentionally obstructs, impairs, impedes, hinders, prevents, or perverts the administration of law or other governmental function.

General definitions.

NDCC § 12.1-01-04

11. "Government" means:

- a. The government of this state or any political subdivision of this state;
- b. Any agency, subdivision, or department of the state or any political subdivision of the state, including the executive, legislative, and judicial branches;
- c. Any corporation or other entity established by law to carry on any governmental function; and
- d. Any commission, corporation, or agency established by statute, compact, or contract between or among governments for the execution of intergovernmental programs.

12. "Governmental function" includes any activity that one or more public servants are legally authorized to undertake on behalf of government.

Election observers.

NDCC § 16.1-05-09

1. Election observers must be allowed uniform and nondiscriminatory access to all stages of the election process, including the certification of election technologies, early voting, absentee voting, voter appeals, vote tabulation, and recounts. Any individual, except a candidate whose name is on a ballot in a voting place where the ballot is used, may be an election observer under this section if the individual informs the election inspector of the individual's intent to serve as an election observer. Each polling place must be arranged in a manner that permits each election observer to be positioned in a location where the election observer can plainly view and hear the occurrences of the polling place, without infringing on voter privacy.
2. An election observer must wear a badge with the name of the individual and the name of any organization the individual is representing. An election observer may not wear any campaign material advocating voting for or against a candidate or for or against any position on a question on the ballot. An election observer may not interfere with any voter in the preparation or casting of the voter's ballot or hinder or prevent the performance of the duties of any election official.



Committee for

**SAFE AND SECURE
ELECTIONS**

